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Henry D. Coleman

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S) : Vanden Heuvel, et al.
SERIAL NO. : 09/555,987
FILED : September 11, 2000
FOR : Methods and Compositions for Treating Diabetes
GROUP ART UNIT : 1617
EXAMINER : Sang Ming Hui

Commissioner for Patents
Box RCE
Washington, DC 20231

REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Sir:

This is a request for a continued examination under 37 C.F.R. 1.114 of the above identified application.

- 1. Enter the Previously Filed Amendment dated
 - 2. X A Preliminary Amendment/REsponse is enclosed.
 - 3. A substitute Specification is enclosed.
 - 4. X A check for the RCE fee of \$370.00 (small entity) is enclosed.
- The Director is hereby authorized to charge any additional fees or credit any overpayment to Deposit Account No. 04-0838.

Respectfully requested,

June 14, 2002
Coleman Sudol Sapone P.C.
714 Colorado Avenue
Bridgeport, CT 06605-1601

By:
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Reg. No. 32,559

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June 10, 2002



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Preliminary Amendment/Response in Application

In response to the Examiner's office action dated December 5, 2001 and the Advisory Action dated May 1, 2002, Applicants present the following amendment and arguments in this preliminary response to the outstanding Examiner's rejection. The claims in the application are claims 1-22; original claims 1-21 remain pending in this application and are not amended in this response. Claim 22 is new.

It is respectfully submitted that the Examiner's rejection of the present application, which is based upon the Examiner "cherry-picking" the elements of Applicants' invention in hindsight from a disclosure in the "Background of the invention" section of a cited patent reference taken without reference to any other supporting disclosure is insufficient for purposes of rejecting the present invention. Applicants therefore respectfully request the Examiner to withdraw the pending rejection and allow the instant application.

In the Claims:

New claim 22 is presented here. Claims 1-22 are now pending in the present application.